

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Meihua Yan,

Plaintiff,

v.

The Individuals, Partnerships and
Unincorporated Associations Identified on
Schedule A,

Defendants.

Case No. 1:24-cv-05403

Honorable Sara L. Ellis

DECLARATION OF CHUNHE QIU

I, Chunhe Qiu, hereby declare as follows:

1. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of the matters stated within this declaration. If called and sworn as a witness, I could and would testify as set forth below.

2. I am employed by WenzhouFuruisi Jiancaiyouxiangongsi (the "COMPANY"), where I hold the position of Chief Executive Officer. I have worked at the COMPANY since July 2017.

3. I am authorized to speak on behalf of the COMPANY with respect to this litigation.

4. The COMPANY operates the store named FORIOUS-USA (seller ID: A3UB46L7YYUHS1) on Amazon, where it sells faucet products.

5. The plaintiff in this lawsuit has asserted a design patent infringement complaint against the COMPANY under U.S. Patent No. D978,293 ("the '293 Patent").

6. The plaintiff has accused the following six Amazon Standard Identification Numbers (“ASINs”) of infringing the ‘293 Patent: B0C6LR8JNP, B0C6LNYNYQ, B0C6LQKTS5, B0CJFHXYST, B0CJFHWT5H, and B0CJFG5W4B.

7. The plaintiff in this lawsuit obtained a Temporary Restraining Order (“TRO”) on July 2, 2024.

8. In response to the TRO, on or about on July 11, 2024, Amazon delisted the COMPANY’s six accused ASINs.

9. The TRO is damaging the COMPANY far beyond lost sales alone.

10. The de-listed products have dropped dramatically in their Amazon ranking, which is based on product sales volume, as demand for the COMPANY defendant products shifts to the plaintiff and other sellers during the TRO period.

11. Since Amazon delisted the Accused Standard ASINs, their rankings have dropped from 27 for a standard faucet and 77 for a waterfall faucet to the point where they are effectively no longer visible.

12. As all Amazon sellers know, Amazon ranking has substantial valuable to sellers for many reasons

13. A higher product ranking typically means the product appears closer to the top of Amazon search results. This increased visibility can drive higher sales and, at the same time, reduce the seller’s reliance on paid advertising (which can reduce marketing costs without sacrificing substantial sales).

14. Shoppers often perceive products with better Amazon rankings as more popular and trustworthy. This perception can influence purchasing decisions, leading to higher conversion rates.

15. As the Amazon ranking improves and more customers view and purchase the product, it can create a positive feedback loop. An increase in ranking typically creates a boost in sales, which further improves the ranking—which leads to even more sales over time.

16. A high-ranking product can differentiate the seller from competitors, which can help the seller gain market share and outperform rivals.

17. Based on our operational experience on Amazon, the longer the product is delisted, the more its ranking drops and the more the demand for that product shifts to competitors, increasing their product rankings.

18. Even with significant investment spent re-promoting the product, a relisted product may never return to its original ranking and the loss becomes irreparable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 2024.8.22. By: Chunhe Qiu
Chunhe Qiu